

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMERICAN CIVIL LIBERTIES UNION, et al.	:	CIVIL ACTION
	:	
v.	:	NO. 98-5591
	:	
ALBERTO R. GONZALES in his official capacity	:	
as Attorney General of the United States	:	

**ORDER**

**AND NOW**, this 21st day of November, 2006, upon consideration of the motion for judgment on partial findings filed by defendant, the response thereto (Doc. Nos. 398 & 419) and the November 7, 2006 oral argument thereon, the court finds the following:

(1) On November 7, 2006, at the close of plaintiffs' case, defendant moved orally in open court for judgment on the partial findings pursuant to Federal Rule of Civil Procedure 52(c). (Doc. No. 400, pg. 56:22-24).

(2) The court denied defendant's oral motion from the bench on November 7, 2006, but requested that the parties file the instant motion and response. (Doc. No. 400, pgs. 58:19-21; 61:16-17, 21-24).

(3) In his written motion, defendant alleges that plaintiffs have failed to: (a) establish standing; (b) submit evidence that there are lesser restrictive means to further the government's compelling interest; (c) submit evidence that COPA is overly broad; (d) meet their burden on their claim regarding the rights of older minors; and (e) meet their burden on their claim regarding anonymity. (Doc. 398).

(4) The court hereby holds, upon consideration of the written motion of defendant, that plaintiffs have established enough evidence to survive this motion regarding the issues listed above in paragraph (2)(b) through (e).

(5) Regarding the issue of standing, for which the burden remains with plaintiffs, because it is clear that at least some of plaintiffs have presented sufficient evidence, if credited, to establish a *prima facie* showing of standing in this case, the court will defer its final decision on that issue until the impending final adjudication of this case.

Therefore, it is hereby **ORDERED** that the motion is **DENIED** in its entirety.

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S/ Lowell A. Reed, Jr.  
LOWELL A. REED, JR., S.J.